

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

* * * * *

CHRISTOPHER JONES,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* * * * *

*

*

*

*

*

*

*

*

*

*

No. 12-466V

Special Master Christian J. Moran

Filed: February 16, 2016

Attorneys' fees and costs; award
in the amount to which
respondent does not object.

Mark Sadaka, Sadaka Associates LLC, Englewood, NJ, for petitioner;
Jennifer Reynaud, United States Dep't of Justice, Washington, D.C., for
respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On February 5, 2016, petitioner filed a stipulation of fact for attorneys' fees and costs. Previously, petitioner informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioner's application, respondent raised objections to certain aspects of the draft application. Based on subsequent discussions, petitioner amended his application to request \$75,000.00, an amount to which respondent does not object. The Court awards this amount.

On July 25, 2012, Christopher Jones filed a petition for compensation alleging that the influenza ("flu") vaccine he received on September 30, 2010, caused him to suffer chronic inflammatory demyelinating polyneuropathy ("CIDP"). Petitioner received compensation based upon the parties' stipulation.

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Decision, issued August 7, 2015. Because petitioner received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioner seeks a total of **\$75,000.00**, in attorneys' fees and costs for his counsel. Additionally, in compliance with General Order No. 9, petitioner states that he incurred **\$300.76**, in out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

- a. A lump sum of \$75,000.00, in the form of a check made payable to petitioner and petitioner's attorney, Mark T. Sadaka, of Sadaka Associates LLC, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**
- b. A lump sum of \$300.76, payable to petitioner, Christopher Jones, for costs incurred in pursuit of his petition.**

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.

Any questions may be directed to my law clerk, Dan Hoffman, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF THE SPECIAL MASTERS

CHRISTOPHER JONES,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Respondent.

Case No.: 12-466V

SPECIAL MASTER CHRISTIAN J.
MORAN

STIPULATION OF FACT CONCERNING ATTORNEYS' FEES AND COSTS

It is hereby stipulated by and between the parties, the following factual matters:

1. Mark T. Sadaka is the attorney of record for petitioner in this matter.
2. Petitioner forwarded a draft final Application for Attorneys' Fees and Costs ("Application") to respondent. In informal discussions, respondent raised objections to certain aspects of petitioner's Application. Based on these discussions, petitioner has amended her Application in this matter to request reimbursement for attorneys' fees and costs in the amount of **\$75,000.00**, to which respondent does not object.
3. Pursuant to General Order #9, petitioner represents to respondent that he incurred **\$300.76** in reimbursable costs in pursuit of his claim.
4. The parties now request that a decision awarding final attorneys' fees and costs, in the amount of **\$75,000.00** payable jointly to petitioner and petitioner's counsel, be issued. The parties also request a decision awarding **\$300.76** payable to Christopher Jones.
5. This Stipulation does not represent an agreement by respondent to the hourly rates of the professionals who worked on this matter, nor may a waiver of any objections that respondent bring in other cases.

Respectfully submitted,

s/MARK T. SADAKA

MARK T. SADAKA
Counsel for Petitioner
SADAKA ASSOCIATES LLC
155 North Dean Street, 4th Floor
Englewood, NJ 07631

s/JENNIFER L. REYNAUD, ESQ.

JENNIFER L. REYNAUD, ESQ.
Trial Attorney
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Ben Franklin Station
Washington, D.C. 20044-0146

DATED: February 4, 2016